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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1998/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1998/L.11 and addenda.

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1. The Commission considered agenda item 8 at its 26th to 31st meetings, from 1 to 3 April, at its 51st and 52nd meetings, on 17 April, and at its 58th meeting, on 22 April 1998. 1/

2. For the documents issued under agenda item 8, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

3. At the 26th meeting, on 1 April 1998, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, presented the report of the Working Group (E/CN.4/1998/43).

4. At the 27th meeting, on 1 April 1998, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1998/38 and A.1-2).

5. At the 27th meeting, on 1 April 1998, the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1998/39 and Add.1 and Add.3-5). At the 31st meeting, on 3 April 1998, the Special Rapporteur made his concluding remarks.

6. At the 28th meeting, on 2 April 1998, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Carlos Vargas Pizarro, introduced the report of the working group (E/CN.4/1998/42 and Corr.1).

7. Also at the 28th meeting, on 2 April 1998, Mr. Tosevski, in his capacity as member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, made a statement.

8. At the 29th meeting, on 2 April 1998, the observer for the United Nations Children's Fund made a statement.

9. At the 30th meeting, on 3 April 1998, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1998/40 and Add.1-2).

10. Also at the 30th meeting, on 3 April 1998, Mr. Louis Joinet, member of the Working Group on Arbitrary Detention, introduced the report of the Working Group (E/CN.4/1998/44 and Add.1-2). At the 31st meeting, on 3 April 1998, Mr. Joinet made his concluding remarks.

11. In the general debate on agenda item 8, statements 2/ were made by the following members of the Commission: Argentina (28th), Austria (28th), Belarus (30th), Brazil (30th), Chile (28th), China (31st), Denmark (30th), Indonesia (28th), Ireland (28th), Mexico (27th), Pakistan (31st), Peru (30th), Poland (31st), Republic of Korea (28th), Russian Federation (31st), Senegal (28th), Tunisia (31st), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (28th), Venezuela (28th).

12. The Commission heard statements by the observers for: Algeria (31st), Andorra (28th), Bosnia and Herzegovina (28th), Cameroon (31st), Costa Rica (26th), Cyprus (31st), Egypt (28th), Iran (Islamic Republic of) (31st), Norway (28th), Zambia (31st). The observer for Switzerland also made a statement (31st).

13. A statement was made by the observer for the International Committee of the Red Cross (31st).

14. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (27th), Afro-Asian Peoples' Solidarity Organization (27th), American Association of Jurists (26th), Amnesty International (27th), Andean Commission of Jurists (29th), Arab Organization for Human Rights (27th), Article XIX: The International Centre against Censorship (26th), Asian Buddhists Conference for Peace (27th), Asian Cultural Forum on Development (27th), Association for the Prevention of Torture (27th), Centre Europe-Tiers Monde (26th), Christian Democrat International (29th), Commission for the Defence of Human Rights in Central America (31st), December 12th Movement International Secretariat (27th), European Union of Public Relations (28th), Federation of

Associations for the Defence and Protection of Human Rights (31st), France-Libertés: Fondation Danielle Mitterrand (27th), Franciscans International (26th), Himalayan Research and Cultural Foundation (29th), Human Rights Watch (27th), Indian Council of Education (28th), Indian Movement "Tupaj Amaru" (29th), International Association against Torture (27th), International Association of Democratic Lawyers (27th), International Commission of Jurists (29th), International Council of Nurses (31st), International Educational Development, Inc. (27th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (29th), International Federation of Human Rights Leagues (26th), International Federation of Journalists (28th), International Federation of Women in Legal Careers (31st), International Human Rights Law Group (27th), International Indian Treaty Council (28th), International Institute for Peace (29th), International League for Human Rights (31st), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (26th), International Organization for the Elimination of All Forms of Racial Discrimination (29th), International PEN (26th), International Prison Watch (28th), International Progress Organization (27th), International Rehabilitation Council for Torture Victims (27th), International Treaty Four Secretariat (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (29th), Lawyers Committee for Human Rights (29th), Liberation (28th), Movement against Racism and for Friendship among All Peoples (28th), Pax Christi International (29th), Pax Romana (26th), Robert F. Kennedy Memorial (27th), Society for Threatened Peoples (31st), Transnational Radical Party (31st), War Resisters' International (27th), Women's International League for Peace and Freedom (29th), World Federation of Democratic Youth (29th), World Federation of Trade Unions (31st), World Muslim Congress (31st), World Organization against Torture (26th), World Society of Victimology (29th), Worldview International Foundation (31st).

15. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (31st), Malaysia (29th), Morocco (29th) and Venezuela (31st) and by the observers for Bahrain (29th), Egypt (27th), the Libyan Arab Jamahirya (29th), Mauritania (29th), Viet Nam (29th) and Yemen (27th, 29th).

Hostage-taking

16. At the 51st meeting, on 17 April 1998, the representative of the Russian Federation introduced draft resolution E/CN.4/1998/L.43, sponsored by Argentina, Belarus, Brazil, Chile, China, Colombia, Costa Rica, Cyprus, El Salvador, Greece, India, Ireland, Italy, Japan, Nicaragua, Peru, the Philippines, Portugal, the Republic of Korea, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Australia, Bangladesh, the Dominican Republic, Ecuador, Georgia, Indonesia, Pakistan, Poland, Spain, Sri Lanka, Turkey, Uruguay and Venezuela subsequently joined the sponsors.

17. Operative paragraph 1 of the draft resolution was orally revised by the representative of the Russian Federation.

18. Statements were made in connection with the draft resolution by Mexico and Peru.

19. At the request of the representative of Peru, consideration of the draft resolution was postponed.

20. At the 58th meeting, on 22 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.43.

21. A statement in connection with the draft resolution was made by the representative of the Russian Federation.

22. The revisions made earlier to operative paragraph 1 of the draft resolution (see paragraph 17) were withdrawn by the representative of the Russian Federation.

23. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/73.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

24. At the 51st meeting, on 17 April 1998, the observer for Costa Rica introduced draft resolution E/CN.4/1998/L.49, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mali, Mexico, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic

of Macedonia, Uruguay and Venezuela. Belarus, Canada, Greece, Nepal, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

25. Operative paragraph 8 of the draft resolution was orally revised by the observer for Costa Rica.

26. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

27. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/34.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

28. At the 51st meeting, on 17 April 1998, the observer for Hungary introduced draft resolution E/CN.4/1998/L.53, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Ireland, Italy, Lithuania, Luxembourg, Madagascar, Mali, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Angola, Japan, the Russian Federation, the former Yugoslav Republic of Macedonia and Togo subsequently joined the sponsors.

29. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/35.

Human rights and forensic science

30. At the 51st meeting, on 17 April 1998, the representative of Denmark introduced draft resolution E/CN.4/1998/L.54, sponsored by Argentina, Austria, Canada, Denmark, France, Germany, Greece, Portugal, the Russian Federation, Slovakia, Spain and the United States of America. Belarus, Finland, Greece, Italy, Japan and the Philippines subsequently joined the sponsors.

31. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/36.

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32. At the 51st meeting, on 17 April 1998, the observer for Portugal introduced draft resolution E/CN.4/1998/L.55, sponsored by Angola, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Argentina, Armenia, Australia, Brazil, Costa Rica, Egypt, Israel, the former Yugoslav Republic of Macedonia and Tunisia subsequently joined the sponsors.

33. A statement in explanation of vote before the vote was made by the representative of Mexico.

34. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/37.

Torture and other cruel, inhuman or degrading treatment or punishment

35. At the 51st meeting, on 17 April 1998, the representative of Denmark introduced draft resolution E/CN.4/1998/L.56, sponsored by Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Argentina, Belarus, Bulgaria, Costa Rica, Ecuador, Georgia, Iceland, the Russian Federation, Senegal, South Africa, the former Yugoslav Republic of Macedonia and Venezuela subsequently joined the sponsors.

36. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

37. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/38.

Human rights in the administration of justice, in particular of children and juveniles in detention

38. At the 51st meeting, on 17 April 1998, the representative of Austria introduced draft resolution E/CN.4/1998/L.58, sponsored by Andorra, Argentina, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cape Verde, Chile, Colombia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Mali, Malta, Mexico, Mongolia, Nicaragua, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Angola, Australia, Brazil, Canada, Cyprus, Georgia, Greece, Haiti, Israel, New Zealand, Norway and Togo subsequently joined the sponsors.

39. The fifth preambular paragraph and operative paragraph 15 of the draft resolution were orally revised by the representative of Austria.

40. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/39.

Question of enforced or involuntary disappearances

41. At the 51st meeting, on 17 April 1998, the representative of France introduced draft resolution E/CN.4/1998/L.60, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Côte d'Ivoire, Cuba, Cyprus, the Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Senegal, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Angola, Armenia, Brazil, Costa Rica, Ecuador, the Russian Federation and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

42. Operative paragraphs 2 and 11 of the draft resolution were orally revised by the representative of France.

43. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

44. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/40.

Question of arbitrary detention

45. At the 51st meeting, on 17 April 1998, the representative of France introduced draft resolution E/CN.4/1998/L.61, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Angola, Armenia, Costa Rica, the Dominican Republic, Ecuador, the Russian Federation, the former Yugoslav Republic of Macedonia and Uruguay subsequently joined the sponsors.

46. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/41.

Right to freedom of opinion and expression

47. At the 51st meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.62, sponsored by Andorra, Austria, Bulgaria, Canada, Cape Verde, Chile, the Czech Republic, El Salvador, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Peru, Portugal, Romania, Slovakia, Sweden and Switzerland. Angola, Australia, Argentina, Bangladesh, Brazil, Colombia, Côte d'Ivoire, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, Estonia, Greece, Georgia, Guatemala, India, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Nepal, the Netherlands, New Zealand, Norway, Pakistan, Paraguay, Poland, Slovenia, the Russian Federation, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

48. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/42.

49. A statement in connection with the resolution was made by the representative of Cuba after its adoption.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

50. At the 52nd meeting, on 17 April 1998, the representative of Chile introduced draft resolution E/CN.4/1998/L.76, sponsored by Argentina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Italy, Madagascar, the Netherlands, Nicaragua, the Philippines, Poland, Portugal, the Republic of Korea, Senegal, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola and Georgia subsequently joined the sponsors.

51. Operative paragraph 2 of the draft resolution was orally revised by the representative of Chile.

52. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

53. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/43.